

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

September 10, 2004

Invoice #11533

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
8/2/04 Place telephone call to E. Reben Porter re: Status; Place telephone call to T. Noa re: Followup on discovery requests; Research and draft memo in opposition to Motion for preliminary injunction	2.50 200.00/hr	500.00
8/3/04 Research re: Opposition to Motion for preliminary injunction	1.60 200.00/hr	320.00
8/4/04 Research re: Opposition to Motion for preliminary injunction; Communicate with D. Capozzola	2.50 200.00/hr	500.00
8/5/04 Review opposition to Motion for preliminary injunction; Research re: Opposition and motion for preliminary injunction	3.00 200.00/hr	600.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
8/6/04 Review Fleming's amended answer to second amended complaint; Research re: Opposition to motion for preliminary injunction	2.50 200.00/hr	500.00
8/7/04 Research and draft opposition to MPI	2.50 200.00/hr	500.00
8/8/04 Work on opposition to preliminary injunction motion	1.50 200.00/hr	300.00
8/9/04 Conference call with T. Noa; Prepare T. Noa Affidavit and memo in opposition to preliminary injunction motion	3.00 200.00/hr	600.00
8/10/04 Research and draft opposition to Motion for preliminary injunction; Place telephone call to T. Noa; Work on affidavit	2.50 200.00/hr	500.00
8/11/04 Review pro hac vice motion; Place telephone call to T. Noa; Place telephone call to M. Dillon re: Affidavits; Prepare opposition to Motion to preliminary injunction; Contact M. Dulac re: Opposition to Motion for preliminary injunction; Research re: Copyright infringement defense	4.50 200.00/hr	900.00
8/12/04 Review correspondence from W. Meyer; Review HEX opposition to Motion for preliminary injunction; Review C&S Joinder in Flemings opposition to Motion for preliminary injunction; Review Foodland's statement of no opposition; Exchange email correspondence re: Opposition to motion for preliminary injunction; Finalize opposition to motion for preliminary injunction	6.50 200.00/hr	1,300.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
8/13/04 Research re: Motion for Summary Judgment	1.50 200.00/hr	300.00
8/14/04 Work on Motion for Summary Judgment	2.00 200.00/hr	400.00
8/16/04 Research Motion for Summary Judgment	2.50 200.00/hr	500.00
8/17/04 Review Plaintiff's Supplemental interrogatory responses and HTC; Research and draft re: Motion for Summary Judgment; Review correspondence from T. Hogan re: Iowa Telecomm	2.20 200.00/hr	440.00
8/19/04 Research and prepare motion for summary judgment; Followup re: Opposition to Motion for preliminary injunction	2.00 200.00/hr	400.00
8/23/04 Review plaintiff's reply to HES; Review plaintiff's reply to Flemings motion to strike; Review plaintiff's reply to Dillon et als opposition; Review plaintiff's reply to Flemings opposition	1.50 200.00/hr	300.00
8/24/04 Prepare Motion for Summary Judgment	1.50 200.00/hr	300.00
8/25/04 Review Dillon's declaration; Communicate with client and with Kirkland and Ellis re: FOF/COL - Judge Mollway's court room; Prepare for hearing on motion for Preliminary injunction; Place telephone call to L. Smith and client	2.80 200.00/hr	560.00
8/26/04 Place telephone call to T. Noa and email re: Motion for preliminary injunction; Discovery and	5.00 200.00/hr	1,000.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
settlement offer; Place telephone call to B. Christensen and email re: Status, discovery and settlement offer; Place telephone call to M. Dillon re: Testimony, status and discovery; Place telephone call to L. Smith and email re: Settlement offer; Motion for preliminary injunction; Email E. Liebeler re: Status/discovery/settlement offer; Place telephone call to Judge Mollway's clerk re: Status/procedure; Review Judge Mollway procedure for motion for preliminary injunction; Review M. Dillon testimony; Prepare for W. Berry examination; Review Settlement offer; Review plaintiff's proposed FOF/COL		
8/27/04 Review HES/HEX proposed FOF/COL; Reivew errata sheet re: M. Anderson testimony; Review testimony; Review CES proposed FOF/COL; Place telephone calls to M. Dillon; Place telephone call to O. Sarrad; Place telephone call to E. Liebeler; Place telephone call to L. Smith; Review and prepare for hearing; Judges inclination	5.00 200.00/hr	1,000.00
8/28/04 Review Motion PI/oppositions/reply; Place telephone calls to M. Dillon, L. Smith, and E. Liebeler; Prepare for hearing on Motion for preliminary injunction	4.00 200.00/hr	800.00
8/29/04 Review pleadings, exhibits and deposition testimony; Prepare for Motion for preliminary injunction; Meeting with E. Liebeler, M.	6.50 200.00/hr	1,300.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
Dillon and L. Smith		
8/30/04 Prepare for and attend hearing on Motion for preliminary injunction; Meeting with client before and after hearing on motion for preliminary injunction; Meeting with defense counsel	6.00 200.00/hr	1,200.00
8/31/04 Review proposed FOF/COL by Plaintiff; Place telephone call to E. Liebler/D. Capozzola re: M. Dillon declaration; Prepare for motion for preliminary injunction; Place telephone call to M. Dillon; Email T. Noa re: Status; Review documents and prepare motion for Summary Judgment	4.80 200.00/hr	960.00
SUBTOTAL:	[ 79.90	15,980.00]
<u>MS</u>		
7/22/00 Research re: Motion for Summary Judgment	11.50 95.00/hr	1,092.50
7/16/04 Summarize M. Dillon's deposition	3.50 95.00/hr	332.50
7/17/04 Summarize M. Dillon's deposition	1.00 95.00/hr	95.00
7/19/04 Research re: Motion for Summary Judgment	4.00 95.00/hr	380.00
7/20/04 Research re: Motion for Summary Judgment	4.50 95.00/hr	427.50
7/21/04 Research re: Motion for Summary Judgment	4.00 95.00/hr	380.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
7/23/04 Research re: Motion for Summary Judgment	2.00 95.00/hr	190.00
7/25/04 Research re: Motion for Summary Judgment	1.00	0.00
7/26/04 Research re: Motion for Summary Judgment	4.00 95.00/hr	380.00
7/27/04 Research re: Motion for Summary Judgment	4.50 95.00/hr	427.50
7/28/04 Research re: Preliminary Injunction	4.00 95.00/hr	380.00
7/29/04 Research re: Preliminary Injunction	6.00 95.00/hr	570.00
7/30/04 Research re: Preliminary Injunction	6.00 95.00/hr	570.00
7/31/04 Research re: Preliminary Injunction	4.00 95.00/hr	380.00

SUBTOTAL:

[ 60.00

5,605.00]

RM

7/1/04 Place telephone call to L. Hosoda re: Status on July 9th hearing, motion for preliminary injunction; Status conference on discovery; Research re: Subpoena issue of standing to quash subpoena served on non party; Draft objections to SDT for T. Noa's records	4.10 125.00/hr	512.50
7/2/04 Review motion for preliminary injunction; Research issue of preliminary injunction; Use infringement; Place telephone call to Warren at USDC re: Discovery	4.30 125.00/hr	537.50



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	<u>Hrs/Rate</u>	<u>Amount</u>
status conference; Draft letter to all counsel re: SDT for T. Noa's records; Draft letter brief pursuant to LR 37.1; Place telephone call to L. Hosoda re: Status conference set and letter brief due before he returns		
7/3/04 Revise letter brief re: SDT for T. Noa's records; Review correspondence; Review research re: Standard for dismissal of copyright infringement claim	1.10 125.00/hr	137.50
7/6/04 Revise letter brief re: SDT for T. Noa's records; Forward letter brief to T. Hogan and Judge Kobayashi; Draft correspondence to D. Capozzola re: Representation of additional individual defendants; Research issues of preliminary injunction, presumption of irreparable harm if actual infringement, irreparable harm vs. compensation, prima facie case of infringement; Review transcript of TRO hearing	5.20 125.00/hr	650.00
7/8/04 Review correspondence from L. Smith re: Status conference; Review correspondence to D. Capozzola re: July Hearing; Reivew correspondence to Iowa Telecomm re: Subpoena and order producing records to Court Reporter; Place telephone call to B. Christensen re: Fax; Research issue of corporate officers cannot be held liable for infringement of corporation, Rule 12(b)(6) motion to dismiss, motion for more definite statement, employee with no authority or discretion not	5.30 125.00/hr	662.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
liable for infringement; Draft outline of what is needed from clients for opposition to motion for preliminary injunction		
7/9/04 Review Answer filed by Foodland; Review Second Amended Complaint; Review Answer filed to First Amended Complaint; Draft Answer to Second Amended Complaint; Research issue of RICO claims and motion to dismiss RICO claims	5.10 125.00/hr	637.50
7/10/04 Finalize T. Noa's response to interrogatories to Berry; Draft correspondence to T. Noa re: Discovery response	1.50 125.00/hr	187.50
7/12/04 Review correspondence re: Deposition of M. Dillon for bankruptcy; Review correspondence from client re: Interrogatory response; Meet with M. Dillon to prepare for deposition; Strategize on Motion for Summary Judgment and Berry's Motion for Preliminary Injunction; Research docket re: Return of service on new individuals named as defendants under second amended complaint	2.80 125.00/hr	350.00
7/13/04 Research data entry employees no liability for infringement	2.60 125.00/hr	325.00
7/14/04 Prepare T. Noa discovery responses for service on T. Hogan; Research issue of liability for officers of company	2.70 125.00/hr	337.50



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	<u>Hrs/Rate</u>	<u>Amount</u>
7/15/04 Research USBC re: Return of service on recently named individuals; Research issue of corporate officer's liability for infringement; Revise T. Noa's responses re: Request for documents	3.10 125.00/hr	387.50
7/16/04 Meet with client and D. Capozzola/E. Libeler re: Preparation for testimony in Delaware; Review client's deposition; Review client's travel itinerary for Delaware hearing; Review C&S/Fleming Answer to Second Amended Complaint; Draft T. Noa's response to request for production of documents; Draft stand alone COS re: T. Noa's interrogatory responses	4.30 125.00/hr	537.50
7/18/04 Review correspondence to T. Noa re: Availability for hearing on 7/26 in Delaware; Review correspondence from T. Noa re: Documents responsive to Berry's request for production of documents; Revise T. Noa's response to request for production of documents	0.70 125.00/hr	87.50
7/19/04 Review memo re: Preparation for Delaware hearing; Conference call with T. Noa re: Flying to Delaware for hearing; Conference call with M. Dillon re: Flying into Delaware for preparation all day Sunday; Research re: No use of software thus no infringement	1.90 125.00/hr	237.50
7/20/04 Review correspondence from clients re: Arrangements for trip to Delaware; Review correspondence from D. Capozzola re: Delaware	4.30 125.00/hr	537.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
hearing; Conference with M. Dillon; Prepare for testimony at hearing; Research and draft memo re: Vicarious liability of B. Christensen and three additional employees named in second amended complaint; Pull key pleadings in preparation for Delaware hearing		
7/21/04 Review correspondence from T. Noa re: Air reservations confirmed; Review phone list and previous testimony of clients pulled for Delaware hearing; Prepare documents for bankruptcy hearing	1.50 125.00/hr	187.50
7/22/04 Review binder of key pleadings; Place telephone call to L. Smith re: CD produced to T. Hogan per request for production of documents; Pull other key preparation documents for Delaware hearing	0.90 125.00/hr	112.50
7/23/04 Meet with M. Stebbins re: Factual background for Motion for Summary Judgment re: Dillon's actions, deposition of M. Dillon; Research re: Copyright infringement, preliminary injunction; Outlined opposition to Berry's motion for preliminary injunction; Review summary of first deposition of M. Dillon	3.40 125.00/hr	425.00
7/28/04 Review correspondence from L. Smith re: Offer of judgment; Correspondence from T. Noa re: News of bankruptcy hearing; Strategize with L. Hosoda re: Motion for Preliminary injunction	0.60 125.00/hr	75.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
7/29/04 Conference call with L. Smith, counsel for C&S and Fleming re: Rule 68 offer of judgment; Confernece call to B. Christensen re: Status, hearing in Delaware; Conference call to T. Noa; Conference call to M. Dillon	1.30 125.00/hr	162.50
8/3/04 Draft case law portion of argument section and standard of review section of opposition to preliminary injunction motion	2.30 125.00/hr	287.50
8/11/04 Review T. Noa's affidavit; Review correspondence re: Draft opposition; Reivew Dillon's testimony at bankruptcy hearing; Draft opposition to motion for preliminary injunction; Revise opposition to be joinder to Fleming's opposition to motion for preliminary injunction	5.10 125.00/hr	637.50
8/12/04 Draft and revise joinder in Fleming's opposition to Plaintiff's motion for preliminary injunction; Pull exhibits to be attached to joinder; Draft affidavit of L. Hosoda and M. Dillon; Revise affidavit of T. Noa; Prepare joinder for filing and service; Place telephone call to A. Lopez re: Opposition to Preliminary Injunction motion	4.70 125.00/hr	587.50
8/18/04 Review Plaintiff's supplemental response to HTC's interrogatory request; Review emails from T. Noa and M. Dillon for privileged and proprietary information; Review correspondence from K. Fine	1.50 125.00/hr	187.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
8/21/04 Review correspondence from T. Hogan re: Records from Iowa Telecomm	0.10 125.00/hr	12.50
8/23/04 Review Berry's reply to Fleming opposition, our joinder, and HEX's opposition	0.50 125.00/hr	62.50
8/25/04 Place telephone call to T. Fujinaga re: Proposed FOF/COL and witnesses; Place telephone call to L. Smith re: Same; Review USDC website for Judge Mollway's civil non jury motions/hearing procedures; Draft correspondence to M. Dulac re: M. Dillon available to testify for Monday's hearing on PI motion; Review correspondence from E. Liebeler re: Meet with Dillon prior to hearing; Review correspondence from L. Smith re: Same; Place telephone call to M. Dillon; Review correspondence from M. Dillon between he and T. Noa to be produced pursuant to discovery request	2.50 125.00/hr	312.50
8/26/04 Review HES and Berry's proposed FOF/COL; Review settlement offer from Plaintiff; Review correspondence between M. Dillon and T. Noa for document production; Review correspondence from T. Noa re: Settlement offer	1.50 125.00/hr	187.50
 SUBTOTAL:	 [ 74.90	 9,362.50]
 For professional services rendered	 214.80	 \$30,947.50

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## Additional charges:

	<u>Amount</u>
<u>LHO</u>	
7/2/04 Fax	6.00
7/6/04 Postage	1.11
Xerox	4.80
Fax	48.00
7/7/04 Postage	0.37
Xerox	3.00
Fax	3.00
7/8/04 Postage	2.49
Xerox	11.80
Fax	84.00
Xerox	0.20
7/9/04 Postage	1.11
Xerox	1.80
Supreme Court Library	15.00
7/13/04 Postage	5.35
Xerox	26.80
Fax	8.00
7/14/04 Postage	4.24

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	<u>Amount</u>
7/14/04 Xerox	33.60
7/16/04 Postage	1.85
Xerox	8.20
7/21/04 Xerox	3.60
7/23/04 Hotel Du Pont	1,400.27
Airline ticket to Philadelphia	4,327.35
7/24/04 City Cab Co.	85.00
Hotel Du Pont valet service	80.00
7/29/04 Fedex	36.96
8/2/04 Postage	0.37
Xerox	1.00
Fax	3.00
8/5/04 Postage	0.37
Xerox	0.80
8/10/04 Postage	0.37
Xerox	4.00
Professional services rendered by William G. Meyer, III; Mediator	1,178.03
8/11/04 Xerox	1.80
Fax	5.00
8/12/04 Postage	7.90



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	<u>Amount</u>
8/12/04 Xerox	264.80
8/19/04 Fax	6.00
8/23/04 Xerox	1.20
8/26/04 Xerox	0.60
8/27/04 Xerox	2.20
Fax	6.00
Fax	12.00
SUBTOTAL:	<u>[ 7,699.34 ]</u>
Total costs	<u>\$7,699.34</u>
Service tax	<u>\$1,289.27</u>
Total amount of this bill	<u>\$39,936.11</u>
Previous balance	<u>\$26,562.33</u>
Balance due	<u><u>\$66,498.44</u></u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

October 7, 2004

Invoice #11547

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
9/1/04 Place telephone call to L. Smith re: Cross-exam of Berry; Review Judge Mollway's order re: Firm trial date; Report to clients re: Results of Hearing on Motion for Preliminary Injunction; Exchange emails with Plaintiff's counsel re: Service of Second Amended Complaint; Gather information re: Additional Defendant's work on M. Dillon declaration and Motion for Summary Judgment	6.00 200.00/hr	1,200.00
9/2/04 Place telephone call to Court Reporter; Followup on transcript; Place telephone call to L. Smith re: Motion to appoint Special Master; Exchange emails with client; Research and review documents and prepare M. Dillon declaration	3.50 200.00/hr	700.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/3/04 Research and draft M. Dillon's declaration; Begin draft of letter to all new clients named; Draft letter to Hogan re: Service; Research re: Motion for Summary Judgment; Emails to L. Smith and E. Liebeler	4.50 200.00/hr	900.00
9/5/04 Research Motion for Summary Judgment; Review discovery responses	3.50 200.00/hr	700.00
9/6/04 Research and draft Motion for Summary Judgment	4.00 200.00/hr	800.00
9/7/04 Emails with M. Dillon, E. Liebeler, O. Samad and L. Smith re: M. Dillon Affidavit; Place telephone calls to O. Samad re: Affidavit; Review testimony of M. Dillon to create Affidavit; Continue working on Motion for Summary Judgment	5.00 200.00/hr	1,000.00
9/8/04 Review Motion to Appoint Special Master; Work on Motion for Summary Judgment; Work on M. Dillon Affidavit	4.00 200.00/hr	800.00
9/9/04 Work on Motion for Summary Judgment and M. Dillon supplemental affidavit	2.50 200.00/hr	500.00
9/10/04 Review letter from Judge Mollway; Review Motion to Shorten Time for Hearing on Special Master; Exchange emails with T. Hogan re: Discovery and T. Noa depositions; Work on Affidavit of M. Dillon; Review Gruvzi report; Work on Motion for Summary Judgment; Correspondence with T. Noa; Draft letter to all clients re:	5.00 200.00/hr	1,000.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
Representation		
9/11/04 Work on M. Dillon's Affidavit	3.00 200.00/hr	600.00
9/12/04 Work on Affidavit of M. Dillon re: Motion for Preliminary Injunction	2.00 200.00/hr	400.00
9/13/04 Place telephone calls to O. Sawad, M. Dulac and D. Capozzola; Place telephone calls to M. Dillon; Place telephone calls to L. Smith; Review and revise M. Dillon's Affidavit for filing; Emails to T. Hogan re: Discovery	5.00 200.00/hr	1,000.00
9/14/04 Draft Motion for Summary Judgment; Followup re: M. Dillon Affidavit; Contact new Defendant's clients to check on status	1.50 200.00/hr	300.00
9/15/04 Place telephone call to A. Tamanaha re: Service of Complaint; Place telephone call to T. Hogan re: Discovery; Exchange emails with T. Hogan re: Discovery; Exchange emails with client; Email L. Smith re: Settlement; Work on discovery; Place telephone call to M. Dillon; Prepare for meeting Friday with clients	4.00 200.00/hr	800.00
9/16/04 Place telephone calls to M. Dillon; Review documents; Prepare for meeting; Work on discovery requests	3.00 200.00/hr	600.00
9/17/04 Review documents; Prepare for and attend meeting with J. Rio, A. Waiolama, A. Takahashi, M. Ponce, M. Dillon, G. Christensen at Kapolei	3.00 200.00/hr	600.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/18/04 Research re: Position on appointment of Special Master	2.50 200.00/hr	500.00
9/20/04 Review Hawaii Transfer's joinder re: Motion for Special Master; Review and finalize joinder re: Motion for appointment of Special Master; Exchange emails from defense counsel and clients; Research re: Motion for Summary Judgment	4.50 200.00/hr	900.00
9/21/04 Conference call with L. Smith and D. Capozzola re: Strategy re: Motion for preliminary injunction and motion for special master; Review Foodland's memo in support of motion; Review Plaintiff's reply; Review email documents for production to Plaintiff; Prepare for hearings	4.50 200.00/hr	900.00
9/22/04 Review emails re: Motion for Preliminary Injunction and Special Master; Prepare for meeting with M. Dillon; Work on Motion for Summary Judgment	2.70 200.00/hr	540.00
9/23/04 Review correspondence from L. Smith and T. Hogan re: Continuance of Motion for Preliminary Injunction; Review Magistrate Kobayashi's inclinations on Motion for Special Master; Review Foodland's response to Special Master; Review Alix Partner's answer; Meeting with L. Smith re: Preparation for hearings and meeting; Work on Motion for Summary Judgment and prepare for hearings	5.00 200.00/hr	1,000.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/24/04 Meeting with M. Dillon, M. Dulac and R. Mead in Kapolei; Review Berry supplemental affidavit; Research re: Motion for Summary Judgment	5.00 200.00/hr	1,000.00
9/25/04 Prepare for hearings; Review pleadings; Review cases cited by Berry	3.00 200.00/hr	600.00
9/26/04 Prepare for hearings; Review Berry/Dillon prior testimony; Meeting with L. Smith, M. Dulac and E. Liebeler	3.50 200.00/hr	700.00
9/27/04 Review request for Entry of Default against R. Cohen; Prepare for and attend meeting with E. Liebeler, M. Dulac and L. Smith and attend hearing before Magistrate Kobayashi on appointment of Special Master; Meeting with defense counsel and M. Dillon; Prepare for hearing on Motion for Preliminary Injunction; Work on Motion for Summary Judgment	9.50 200.00/hr	1,900.00
9/28/04 Prepare for and attend hearing before Judge Mollway on Motion for preliminary injunction; Research and draft Motion for Summary Judgment; Meeting with M. Dillon re: Motion for Summary Judgment and prepare for Motion for Preliminary Injunction	8.00 200.00/hr	1,600.00
9/29/04 Work on Motion for Summary Judgment; Place telephone call to J. Morgan; Place telephone call to L. Columbe; Place telephone calls to M. Dillon; Exchange emails with T. Hogan re: Discovery; Work on Affidavits in support of Motion	6.50 200.00/hr	1,300.00



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	<u>Hrs/Rate</u>	<u>Amount</u>
for Summary Judgment		
9/30/04 Review documents; Review and exchange emails with defense counsel; Review M. Dillon affidavit; Review and finalize Motion for Summary Judgment and concise statement of facts; Place telephone call to L. Smith; Place telephone call to E. Liebeler; Meeting with M. Dillon	6.00 200.00/hr	1,200.00
 SUBTOTAL:	 [ 120.20	 24,040.00]
<u>RM</u>		
9/7/04 Review and revise Motion for Summary Judgment; Draft concise statement of facts in support of Motion for Summary Judgment; Affidavit of counsel and clients; Research issue of liability of salaried, non management employees	4.80 125.00/hr	600.00
9/8/04 Revise declaration of client; Draft concise statement of facts in support of Motion for Summary Judgment	1.50 125.00/hr	187.50
9/9/04 Revise client's affidavit	0.30 125.00/hr	37.50
Research issue of vicarious and contributory liability; Research issue of liability for data entry employees with no discretion, authority	3.20 125.00/hr	400.00
9/10/04 Review correspondence to T. Hogan re: Accept service on behalf of 3 employees currently employed at C&S; Review documetns/emails from	2.10 125.00/hr	262.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
clients; Review correspondence to T. Noa re: If in Hawaii in October; Review correspondence from T. Hogan re: Deposing T. Noa and SJ; Review correspondence from A. Lopez re: Ex Parte Motion to Shorten Time		
9/13/04 Review Fleming's proposed Findings of Fact/Conclusions of Law for facts to be used in Motion for Summary Judgment; Conference call to and from O. Samad re: Dillon's Affidavit; Review and incorporate Dillon's revisions into affidavit; Review correspondence from T. Hogan re: Authorized to accept service of only 3 employees does not mean may not represent others; Conference call with counsel re: Affidavit of M. Dillon and Motion for Summary Judgment; Conference call to client re: Comments to Affidavit; Review and revise affidavit of client; Prepare Affidavit for after hours filing and service on all parties	3.10 125.00/hr	387.50
9/14/04 Review correspondence to K&E re: Preparation for continued hearing on PI motion; Review correspondence from T. Hogan	0.70 125.00/hr	87.50
9/15/04 Review correspondence to and from clients re: Meeting with other employees on Friday; Review correspondence from client re: System using now; Review documents from client	0.40 125.00/hr	50.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/16/04 Review CD from L. Smith re: Files from first trial; Draft joinder to Motion to appointment of Special Master; Review minute order re: Opposition and reply deadlines; Review correspondence from client; Review correspondence from T. Noa confirming meeting	1.40 125.00/hr	175.00
Research issue of Motion to Dismiss for failure to allege claim upon which relief can be granted, lack of factual basis; Research liability of data entry employees	1.70 125.00/hr	212.50
9/17/04 Review correspondence from M. Dulac and E. Liebeler re: Preparation for Hearing on Special Master and preliminary injunction	0.30 125.00/hr	37.50
Meet with L. Hosoda re: file Answer on behalf of new employees named, will file Motion for Summary Judgment at a later date; Meet with Employees named in Second Amended Complaint to debrief re: Overview of case, Motion for Summary Judgment, communication and questions refer directly to us; Meet with B. Christensen re: Status of case; Meet with M. Dillon re: Use of excel spreadsheets	2.60 125.00/hr	325.00
9/18/04 Draft shell of joinder to C&S Fleming's Motion for Appointment of Special Computer Master; Draft Answer on behalf of 3 new employees whom we accepted service for	0.60 125.00/hr	75.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/20/04 Review letter from Judge Mollway re: Hearing on PI motion; Correspondence from D. Capozzola re: Wait to sreview Plaintiff's breif re: Motion to Appoint Special Master; Review HTC's joinder to Appoint Special Master; Review Plaintiff's Affidavit and exhibits re: PI Motion	1.00 125.00/hr	125.00
9/22/04 Review correspondence from D. Capozzola re: Continued hearing on PI Motion; Review correspondence from M. Dulac re: Meeting at Kapolei; Review Affidavit of Berry; Review Judge Kobayashi's inclination on appointment of Special Master, concerned that previous masters were not paid	0.70 125.00/hr	87.50
9/23/04 Review documents from client; Pull documents in preparation for meeting with M. Dillon re: Spreadsheets; Review authorities Plaintiff intends to rely upon at further hearing; Draft statement of concise facts; Finalize Affidavit of T. Noa for signatue and expedited return	2.30 125.00/hr	287.50
9/24/04 Review Berry's responsive Affdavit re: PI Motion; Meet with M. Dillon re: How C&S uses spreadsheets, how the system works in preparation for continued hearing on PI Motion; Pull documents re: Berry's previous trial and deposition testimony in preparation for hearing on PI Motion; Review HEX's limited objection to Motion to Appoint Special Master	4.40 125.00/hr	550.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
9/27/04 Prepare for hearing on Special Master; Attend hearing on Special Master; Meet with M. Dillon and counsel re: Preparation for continued hearing on PI Motion; Place telephone call to S. Dunn re: Review of documents, email; Draft Affidavit of M. Dillon in support of Motion for Summary Judgment; Draft Affidavit of B. Christensen; Draft Motion for Summary Judgment	5.20 125.00/hr	650.00
9/28/04 Review correspondence from client re: Will to come to office to sign Affidavit; Draft correspondence to L. Smith re: Motion for Summary Judgment and Affidavit of M. Dillon; Meet with L. Hosoda re: Continued hearing on PI motion	0.40 125.00/hr	50.00
9/29/04 Review correspondence to and from T. Hoga re: Meet and confer and discovery; Draft Answer on behalf of additional employees; Review correspondence from J. Morgan; Review Affidavit of T. Noa; Draft concise statement of facts	0.60 125.00/hr	75.00
9/30/04 Draft Motion for Summary Judgment and concise statement of fact in support of Motion for Summary Judgment; Meet with client re: Affidavit; Research issue of vicarious liability; Shepardize case cited in Motion for Summary Judgment; Place telephone call to Judge Mollway re: Hearing date for Motion for Summary Judgment; Prepare Motion for Summary Judgment and concise statement for filing	8.00 125.00/hr	1,000.00

G. Craig Birchette, Esq.

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	<u>Hours</u>	<u>Amount</u>
SUBTOTAL:	[ 45.30	5,662.50]

SD

9/27/04 Review client documents re: Request for production of documents; Emails (Attorney client, relevancy)	7.50 85.00/hr	637.50
9/28/04 Evidentiary hearing; Federal Court Judge Mollway re: Preliminary Injunction	3.00 85.00/hr	255.00
9/29/04 Review documents client documents re: Request for production of documents; Emails (Attorney client, relevancy)	7.00 85.00/hr	595.00
9/30/04 Review client documents re: Request for production of documents; Emails (Attorney client, relevancy)	1.00 85.00/hr	85.00

SUBTOTAL:	[ 18.50	1,572.50]
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For professional services rendered	184.00	\$31,275.00
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Additional charges:

LHO

9/2/04 Xerox	31.20
9/9/04 Postage	8.70
Xerox	40.20
Fedex	25.55



G. Craig Birchette, Esq.

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	<u>Amount</u>
9/13/04 Fax	32.00
Xerox	12.60
Postage	11.55
Xerox	1.20
Xerox	7.40
Postage	7.42
Xerox	42.00
Fax	19.00
Fax	15.00
9/14/04 Postage	3.92
Xerox	3.60
9/20/04 Postage	1.75
Xerox	66.00
9/21/04 Postage	7.35
Xerox	24.00
9/22/04 Postage	1.75
Xerox	7.80
Fax	34.00
Fax	34.00
9/29/04 Fax	3.00

Total amount of this bill	\$33,412.00
Previous balance	\$66,498.44
9/19/04 Payment - thank you	(\$26,562.33)
Balance due	<u>\$73,348.11</u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 G. Craig Birchette, Esq.  
 Vice President  
 Fleming Companies, Inc.  
 1945 Lakepointe Drive  
 Lewisville TX 75057

November 8, 2004

Invoice #11561

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
10/1/04 Review Foodland's Motion for Summary Judgment; Continue statement of facts; Disclosure statement; Review Plaintiff's Motion for Relief from Sch. Order; Review HES' Motion to Amend Scheduling conference order; Place telephone call to L. Smith and B. Christensen re: Discovery; Place telephone call to L. Smith re: Status/discovery; Review Motion to Dismiss; Review documents and correspondence; Followup re: Court's decision re: Appointment of Magistrate	4.50 200.00/hr	900.00
Review Foodland's Motion to Dismiss/Motion for Summary Judgment; Review Plaintiff's Motion for Relief from scheduling order; Review HEX's Motion for Relief from scheduling order; Calendar deadline to respond to	1.30 125.00/hr	162.50

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
Plaintiff's Motion; Forward copies of documents to clients; Draft correspondence to J. Fukumoto re: Mailing address, representation; Conference call with B. Christensen; Place telephone call to S. Dunn re: Documents		
10/2/04 Review documents for discovery	2.50 200.00/hr	500.00
10/4/04 Review documents to produce in discovery; Review email from T. Hogan; Send email correspondence to J. Fukumoto; Research re: Abuse of process on A. Tamanoha	3.20 200.00/hr	640.00
Review HTC's Motion for Summary; Meet with L. Hosoda re: Strategy on discovery, discovery master, computer expert	0.90 125.00/hr	112.50
10/5/04 Review Hawaii Transfer's Motion for Summary Judgment and concise statement of facts; Review Amended Notice of Hearing; Review documents to produce pursuant to request; Strategize re: Discovery; Begin opposition to Plaintiff's Motion to move scheduling order	3.50 200.00/hr	700.00
Review documents for production; Review correspondence from counsel re: Meet and confer with T. Hogan and discovery	3.10 125.00/hr	387.50
10/6/04 Review documents for production; Research and draft Opposition to Plaintiff's Motion to Change Scheduling Order	3.00 200.00/hr	600.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/6/04 Review documents; Update discovery log; Review correspondence from client; Research bankruptcy docket for court's ruling on PI motion; Motion for Special Master; Draft Opposition to Plaintiff's Motion for relief from scheduling order	3.40 125.00/hr	425.00
10/7/04 Review Hawaii Transfer Company filing; Correspondence with T. Noa; Draft letter to new client S. Purdy; Review documents in discovery	2.00 200.00/hr	400.00
Review correspondence file and locate correspondence re: Subpoena issue to Iowa Telecommunications and the deposition of T. Noa; Meet with R. Mead re: Memo in Opposition	1.60 125.00/hr	200.00
Revise request for production of documents and COS re: T. Noa's discovery responses; Draft memo to L. Hosoda re: Discovery and meet and confer; Review HTC's declarations in support of Motion for Summary Judgment; Review Stipulation to set aside default against R. Cohen and ES3	0.70 125.00/hr	87.50
10/8/04 Review Foodland's Opposition to Motion to Change Scheduling Order; Review documents to be produced in discovery; Review and finalize position statements on Motion to Extend Scheduling Order	4.70 200.00/hr	940.00
Draft opposition to Plaintiff's Motion for Relief from scheduling order; Draft statement of no position to J. Graham and P. Schaul's Motion for Relief from scheduling order; Place telephone	4.10 125.00/hr	512.50

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
calls to A. Lopez re: Amended declaration of M. Dillon; Review correspondence files re: Emails and letter re: Setting T. Noa deposition, subpoena for T. Noa's records, previous motion for relief from orders		
10/9/04 Review discovery requests/document production	3.00 200.00/hr	600.00
10/11/04 Review HES position re: Plaintiff's request for more time; Review Answer from S. Purdy; Exchange emails with E. Liebeler and T. Noa; Draft letter to all clients; Review J. Mollway order; Place telephone call to L. Smith; Strategize re: Documents produced; Review documents	4.50 200.00/hr	900.00
Review Order denying Plaintiff's Motion for Preliminary Injunction; Review correspondence to clients re: Court Order; Place telephone call to L. Smith re: Copy of Order; Draft Answer for S. Purdy; Review and draft correspondence to T. Hogan re: Service of Complaint on non-defendant; Draft amended affidavit of M. Dillon; Draft reply memo re: Motion for Summary Judgment based on Judge Mollway's order	2.30 125.00/hr	287.50
10/12/04 Review Foodland Supermarket; Review Hawaii Transfer's opposition to Plaintiff's Motion for Relief from Scheduling order; Review emails from T. Hogan re: Discovery; Review documents	4.20 200.00/hr	840.00



G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
produced by Iowa Telecomm; Place telephone call to L. Smith re: Discovery; Email T. Noa re: Production of documents		
10/12/04 Place telephone call to L. from Carnazzo re: Iowa Telecom documents; Fax 7/8/04 letter with enclosures to Carnazzo's office for determination of review of documents produced for privilege information	0.50 125.00/hr	62.50
Review correspondence from T. Hogan re: Iowa Telecomm documents; Review correspondence for letter to Carnazzo Court Reporting re: Same; Meet with C. Chun re: Document review at Carnazzo; Draft amended Affidavit of client; Review telecon notes re: CD produced from Iowa Telecomm, will print out and bate stamp hard copy for review and redaction; Review HTC opposition to Plaintiff's Motion for Relief from Scheduling Order; Revise Answer on behalf of S. Purdy	1.90 125.00/hr	237.50
10/13/04 Review Iowa Telecom documents at Carnazzo; Exchange emails re: Same; Place telephone call to T. Hogan re: Discovery; Place telephone call to L. Smith; Email clients re: Status; Reivew documents/emails for privilege log; Review documents and procedure to Plaintiff; Draft letter to T. Hogan re: Discovery	5.00 200.00/hr	1,000.00
Review documents produced by Iowa Telecomm for possible redaction; Review court order	1.00 125.00/hr	125.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/13/04 Meet with L. Hosoda re: T. Noa documents to be produced to Plaintiff; Review correspondence from T. Hogan re: Request for postponement of hearing on Motion for Summary Judgment; Review correspondence from L. Colombe re: Cannot agree to T. Hogan's request for more time to file oppositions; Review correspondence from L. Smith re: Discovery; Review correspondence from W. Ching re: Plaintiff's request for extension of time to file opposition to Motion for Summary Judgment	0.70 125.00/hr	87.50
10/14/04 Review L. Columbe letter re: Discovery; Place telephone call to T. Hogan re: Production of documents; Place telephone call to L. Smith re: Discovery; Research re: Iowa Telecom documents; Draft letter to T. Hogan re: Abuse of process; A. Tamanaha letter to T. Hogan re: Discovery	4.50 200.00/hr	900.00
Review correspondence re: Plaintiff's 56(f) request; Review correspondence from T. Hogan re: A. Tamanaha	0.20 125.00/hr	25.00
10/15/04 Review letters from T. Hogan re: Discovery and service on A. Tamanaha; Responsive letters drafted; Review T. Hogan's response letters; Place telephone call to L. Smith re: Status; Review documents for production to plaintiff; Emails for privilege and confidentiality	4.50 200.00/hr	900.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/15/04 Review correspondence from O. Samad re: Motion judgment as matter of law; Review correspondence from client re: Judge Mollway's order; Review correspondence to T. Hogan re: Service of Complaint on A. Tamanaha; Review response from T. Hogan re: Discovery; Place telephone call to S. Dunn re: Iowa Telecomm records and emails	0.50 125.00/hr	62.50
10/16/04 Review documents for production; Review correspondence from T. Hogan re: Discovery	2.50 200.00/hr	500.00
10/17/04 Review email between T. Noa and M. Dillon for production	3.00 200.00/hr	600.00
10/18/04 Place telephone call to T. Noa re: Iowa Telecomm production; Place telephone call to M. Dillon re: Discovery; Review correspondence from T. Hogan re: Discovery; Numerous calls to T. Hogan re: Discovery; Place telephone call to L. Smith re: Discovery; Exchange emails/letters re: Discovery; Place telephone call to Carnazzo re: Iowa documents; Review Graham and Schaul's Reply memo; Research re: Forensic computer experts; Review email documents between T. Noa and M. Dillon for production; Review for attorney-client confidentiality, privilege and property	6.50 200.00/hr	1,300.00
Place telephone call to S. Dunn re: Document production, bate stamping documents; Review Plaintiff's SDT for Costco, Sam's Club, Safeway records; Place	0.90 125.00/hr	112.50

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
telephone call to Carnazzo re: Affidavit from Iowa Telecomm re: Records produced; Review correspondence to T. Hogan re: Documents, status conference with Magistrate Kobayashi; Meet with L. Hosoda re: Letter briefing on Iowa documents, waiting to hear from T. Noa re: Personal telephone numbers		
10/18/04 Review client documents re: Request for production of documents emails	7.50 85.00/hr	637.50
10/19/04 Place telephone call to T. Noa re: Iowa Telecom documents - telephone calls; Place telephone call to M. Dillon re: Discovery; Exchange multiple emails with T. Hogan re: Discovery; Place telephone call to L. Smith re: Status and discovery; Email E. Liebeler re: Discovery; Place telephone call to M. Dillon re: Discovery; Review documents to be produced to plaintiff for attorney-client privilege; Begin research and preparation of letter brief to Magistrate Kobayashi re: Iowa Telecom documents; Review letter from T. Hogan	5.50 200.00/hr	1,100.00
Review correspondence to and from T. Hogan re: Iowa Telecomm documents; Review correspondence to mainland counsel re: Same; Draft letter brief to Judge Kobayashi re: Iowa Telecomm documents; Review correspondence from T. Hogan confirming deadline on letter briefs to Judge Kobayashi; Review Plaintiff's limited objection to HEX's Motion for Relief from scheduling order	0.80 125.00/hr	100.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/19/04 Review client documents re: Request for production of documents emails	3.00 85.00/hr	255.00
10/20/04 Review plaintiff's objection to Graham/Schaul's Motion to Amend scheduling conference order; Research and begin draft of letter brief re: Iowa Telecom documents; Place telephone call to L. Smith; Place telephone call to M. Dillon; Review email from M. Dillon re: Production of documents; Place telephone call to T. Noa re: Telephon numbers; Review documents and correspondence	4.80 200.00/hr	960.00
Review correspondence from C. Birchette re: Billing; Review correspondence from client; Meet with L. Hosoda re: Letter brief on discovery issue; Draft letter brief to Magistrate Kobayashi re: Internet records of T. Noa	2.70 125.00/hr	337.50
Review client documents re: Request for production of documents emails	7.00 85.00/hr	595.00
10/21/04 Place telephone calls to L. Smith re: Discovery; Email communication with E. Liebeler; Research and draft letter brief re: Iowa Telecom documents	4.50 200.00/hr	900.00
Draft letter brief to Judge Kobayashi re: Iowa Telecomm documents; Review and revise lette brief to Judge Kobayashi; Review letter brief from C&S; Review correspondence from M. Dillon re: T. Noa's emails; Conference call to T. Noa re: Letter brief and	0.60 125.00/hr	75.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
telephone numbers; Place telephone call to S. Dunn re: document production, privilege log; Review bated stamped documents; Draft correspondence to S. Dunn re: Privilege log; Review correspondence from S. Dunn		
10/21/04 Review client documents re: Request for production of documents emails (attorney client, relevancy)	1.00 85.00/hr	85.00
10/22/04 Exchange emails with defense counsel; Review documents; Followup on status of discovery	1.70 200.00/hr	340.00
Place telephone call to L. Smith re: Plaintiff's request for documents, motion to compel; Place telephone call to S. Dunn re: Privilege log; Review and revise privilege log	1.20 125.00/hr	150.00
Review Foodland's Motion for Protective order re: Privileged documents and ex parte motion to shorten time for hearing	0.40 125.00/hr	50.00
Preparation of documents; Reivew documents and create privilege log	8.00 85.00/hr	680.00
10/24/04 Review documents and discovery plan	2.50 200.00/hr	500.00
10/25/04 Review Foodland's Motion for Protective Order re: Attorney-client privilege documents; Review Plaintiff's Reply re: Motion to Extend scheduling order to allow him to file Motion for Summary Judgment; Meeting with L. Smith re:	5.00 200.00/hr	1,000.00



G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
Discovery; Review Plaintiff's Motion for Reconsideration; Research re: Rule 37 and requirement to meet and confer; Research re: Personnel files issue and joint defense agreement; Meeting with L. Smith re: Discovery		
10/25/04 Meet with L. Smith re: Discovery, pending Motion for Summary Judgment, Plaintiff's 54(b) request; Place telephone call to S. Dunn re: Chronology of bated-stamped documents; Review Plaintiff's Motion for Reconsideration of order denying preliminary injunction; Calendar deadline for response to reconsideration; Research standard for reconsideration; Review correspondence from L. Smith re: Plaintiff's reconsideration motion	2.20 125.00/hr	275.00
Preparation of documents; Review and chron emails	8.00 85.00/hr	680.00
10/26/04 Exchange emails with T. Noa re: Discovery and Iowa Telecom documents; Place telephone call to A. Tamanaha re: Letter brief to Magistrate Kobayashi; Review Magistrate Kobayashi's order re: Special Master; Email defense counsel and clients; Draft letter to clients; Review Plaintiff's position re: Foodland; Opposition to continuance; Review documents for production; Research re: Reply to Motion for Summary Judgment	4.70 200.00/hr	940.00
Place telephone call to S. Dunn re: Documents; Review and revise privilege log; Review Order	3.10 125.00/hr	387.50



G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
Granting appointment of Special discovery master; Review correspondence to counsel re: Special discovery master; Draft shell for opposition to non hearing motion for reconsideration; Review correspondence from L. Smith re: Special master; Review transcript from hearing on PI motion; Review Plaintiff's motion for reconsideration; Research standard for reconsideration; Draft introduction and standard of review section for opposition to reconsideration		
10/26/04 Preparation of documents; Review and chron emails	5.00 85.00/hr	425.00
10/27/04 Place telephone calls to L. Smith re: Various discovery matters; Email correspondence with T. Noa and T. Hogan re: Discovery; Review documents and produce to plaintiff; Emails to defense counsel; Review Iowa Telecom documents for review	5.80 200.00/hr	1,160.00
Finalize privilege log, documents and T. Noa's response to Plaintiff's POD for service on Plaintiff	1.10 125.00/hr	137.50
Update discovery and key pleadings; Review discovery order re: Iowa Telecomm documents; Review correspondence from T. Hogan re: Documents; Meet with L. Hosoda re: Redaction of Iowa Telecomm documents; Place telephone call to C. Young re: Iowa Telecomm documents; Draft	3.40 125.00/hr	425.00

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
correspondence to T. Noa re: Telephone numbers; Place telephone call to S. Dunn re: Copying documents for redaction; Review and redact T. Noa's telephone records; Place telephone call to Judge Mollway's law clerk re: Plaintiff's ex parte motion to shorten time on motion to continue Motions for Summary Judgment; Draft opposition to Plaintiff's ex parte motion; Conference call with L. Smith re: Special Master; Place telephone call to M. Dulac re: Special Master		
10/27/04 Preparation of documents; Review and chron emails	6.00 85.00/hr	510.00
10/28/04 Redact Iowa Telecom document production to T. Hogan	3.40 75.00/hr	255.00
Place telephone call to L. Smith re: 56(b) opposition; Research and draft opposition to Plaintiff's expedited Ex Parte Motion for 56(f) continuance; Review Iowa Telecom documents and redact for production; Review T. Noa's email and phone logs for production; Place telephone calls to L. Smith re: Status/discovery; Review email correspondence with defense counsel	9.50 200.00/hr	1,900.00
Review Plaintiff's ex parte motion to continue hearing on Motions for Summary Judgment; Place telephone call to L. Smith re: Same; Review correspondence and pleadings files; Draft opposition to ex parte motion to continue hearing on Motion for Summary Judgment; Place telephone call to J. Morgan	9.70 125.00/hr	1,212.50

G. Craig Birchette, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
re: Opposition to Motion to Continue Motion for Summary Judgment; Review and redact Iowa Telecomm documents; Place telephone call to S. Dunn re: Copying redacted documents; Meet with L. Hosoda re: Will produce documents to Plaintiff on rolling basis; Review transcript from continued hearing on PI motion		
10/28/04 Review documents produced by Iowa Telecomm; Redact documents for privileged material	4.90 125.00/hr	612.50
Preparation of documents; Review and chron emails	5.00 85.00/hr	425.00
10/29/04 Review documents and discovery	2.00 200.00/hr	400.00
Review and organize documents production; Draft transmittal letter to T. Hogan re: Iowa Telecomm documents; Place telephone call to S. Dunn re: Iowa Telecomm documents; Review correspondence from M. Dulac re: Fleming has no position to 56(f) request; Review HTC opposition to Berry's 56(F) motion; Place telephone call to L. Smith re: HTC's opposition	2.50 125.00/hr	312.50
10/30/04 Research re: Opposition to Motion for Reconsideration	3.00 200.00/hr	600.00
10/31/04 Research opposition to Reconsideration	2.00 200.00/hr	400.00
For professional services rendered	221.70	\$33,930.00

G. Craig Birchette, Esq.

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## Additional charges:

	<u>Amount</u>
7/26/04 Hertz rental car in Philadelphia	133.60
10/4/04 Postage	3.65
Xerox	8.00
10/8/04 Postage	18.06
Xerox	91.80
Fax	18.00
10/11/04 Postage	10.50
Xerox	45.20
Xerox	6.80
Fax	66.00
10/12/04 Postage	0.74
Xerox	7.80
Xerox	1.00
Fax	15.00
10/13/04 Xerox	0.60
Xerox	40.00
Fax	9.00
10/14/04 Postage	6.64
Xerox	27.80
Postage	2.22

G. Craig Birchette, Esq.

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	<u>Amount</u>
10/14/04 Xerox	1.20
Fax	24.00
10/15/04 Postage	3.56
Xerox	9.80
Fax	14.00
10/18/04 Postage	3.56
Xerox	12.80
Fax	16.00
Fedex	14.44
10/21/04 Professional services rendered by Accucopy	420.00
Postage	3.33
Xerox	6.60
Fax	32.00
10/26/04 Postage	7.47
Xerox	22.80
10/28/04 Professional services rendered by Accucopy	433.02
Debra Chun Court Reporter	450.31
Professional services rendered by New Tech Imaging	107.26
10/29/04 Professional services rendered by New Tech Imaging	102.30
Professional services rendered by New Tech Imaging	79.41

G. Craig Birchette, Esq.

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	<u>Amount</u>
10/29/04 Professional services rendered by Accucopy	213.54
Total costs	<u>\$2,489.81</u>
Service tax	<u>\$1,413.52</u>
Total amount of this bill	<u>\$37,833.33</u>
Previous balance	\$73,348.11
10/31/04 Payment - thank you	<u>(\$39,936.11)</u>
Balance due	<u><u>\$71,245.33</u></u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

December 9, 2004

Invoice #11600

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>CTC</u>		
11/4/04 Research and draft argument for fees and costs for filing repetitive motion for reconsideration	3.60 125.00/hr	450.00
11/17/04 Deposition preparation of B. Christiansen, J. Rio and F. Waiolama; Review relevant documents, correspondence to prepare for deposition	6.50 125.00/hr	812.50
11/18/04 Deposition preparation of B. Christiansen, J. Rio and F. Waiolama; Review relevant documents, correspondence, files to prepare for upcoming deposition; Review relevant documents	3.20 125.00/hr	400.00



Louis J. Price, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
11/19/04 Prepare for logistic department depositions; Review documents previously produced to look for questions that may be asked of employees	1.80 125.00/hr	225.00
11/22/04 Prepare for logistic department depositions; Review documents previously produced to look for questions that may be asked of employees	5.20 125.00/hr	650.00
11/23/04 Prepare for logistic department depositions; Review documents previously produced to look for questions that may be asked of employees	5.00 125.00/hr	625.00
11/24/04 Prepare for logistic department depositions; Review documents previously produced to look for questions that may be asked of employees	2.10 125.00/hr	262.50
 SUBTOTAL:	 [ 27.40	 3,425.00]
<u>LHO</u>		
11/1/04 Review HTC's opposition to Plaintiff's Motion to extend deadlines 56(f); Review Foodland's opposition to Plaintiff's Motion to extend deadline 56(f); Review HES' statement of No position on 56(f) requested by Plaintiff; Review Fleming's statement of No position on Plaintiff's 56(f) request; Review Reply filed by Plaintiff; Check on appointment of Special Master; Review Magistrate Kobayashi's inclination re: Foodland's Motion for Protective	4.00 200.00/hr	800.00

Louis J. Price, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
Order; Review Plaintiff's opposition to Foodland's Motion for Protective Order; Review documents for production; Place telephone call to M. Dillon		
11/2/04 Place telephone call to L. Smith; Review correspondence and respond to T. Hogan re: Discovery; Email T. Noa and M. Dillon; Review documents and phone records to produce to Plaintiff from T. Noa; Review Foodland's Reply re: Motion for Protective Order; Prepare for Hearing	3.00 200.00/hr	600.00
11/3/04 Place telephone call to L. Smith; Meeting with M. Dillon; Review CDs produced with information on what C&S is currently operating; Attend Hearing on Foodland's Motion for protective order; Review Judge's decision re: Same; Review Plaintiff's Motion for Reconsideration of request for additional time 56(f); Research for Opposition to Motion for Reconsideration of Motion for Preliminary Injunction	4.70 200.00/hr	940.00
11/4/04 Review Foodland's Opposition to Motion for Reconsideration to continue Motion for Summary Judgment hearings; Place telephone call to L. Colombe re: Status; Review HES' statement of No position re: Employee's Motion for Summary Judgment; Place telephone call to L. Smith re: Status of discovery; Review CD produced by M. Dillon; Draft letters to clients re: Status; Draft correspondence and discovery	4.00 200.00/hr	800.00

Louis J. Price, Esq.

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	<u>Hrs/Rate</u>	<u>Amount</u>
11/5/04 Meeting with L. Smith re: CD produced by M. Dillon; Review discovery; Review C&S opposition to Plaintiff's Motion for Reconsideration of Motion for PI; Research and draft opposition to Plaintiff's Motion for Reconsideration; Place telephone call to L. Colombe re: Judge Mollway's ruling on Motion for Additional time; Review Judge's ruling; Emails to defense counsel; Draft letter to clients re: Same; Research re: J. Kleban; Communicate with clients	6.00 200.00/hr	1,200.00
11/6/04 Review Plaintiff's appeal of Magistrate Kobayashi's order granting Defendant Foodland's Motion for Protective Order; Review HTC's No Position to Plaintiff's Motion for Reconsideration of Order denying Preliminary Injunction; Review Foodland's statement of No position; Research for Reply to Motion for Summary Judgment; Review documents to produce to plaintiff	3.50 200.00/hr	700.00
11/8/04 Correspondence with M. Dillon and B. Christensen re: Depositions/discovery; Review documents and status; Review discovery requests; Review privilege log; Place telephone call to T. Noa	2.50 200.00/hr	500.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
11/8/04 Correspondence with M. Dillon and B. Christensen re: Depositions/discovery; Review documents and status; Reveiw discovery requests; Review privilege log; Place telephone call to T. Noa	2.50 200.00/hr	500.00
11/9/04 Review emails from T. Hogan re: Discovery; Place telephone call to T. Noa; Followup with B. Christensen; Place telephone call to L. Smith; Review discovery; Review privilege issue re: P. Schaul; Review documents	3.20 200.00/hr	640.00
11/10/04 Review Judge Mollway's order affirming Magistrate Kobayashi's ruling on Foodland's Motion for Protective Order; Review privileged documents re: P. Schaul emails; Review Foodland's response re: Motion for Protective Order; Draft letters to client re: Preparation for deposition; Exchange emails with plaintiff's counsel re: Depositions/discovery	4.50 200.00/hr	900.00
11/11/04 Exchange emails with plaintiffs counsel and clients re: Depositions; Review documents and discovery; Prepare for depositions; Prepare discovery requests	3.50 200.00/hr	700.00
11/12/04 Exchange emails with K. Fine re: Discovery; Exchange emails with plaintiff's counsel re: Depositions and discovery; Contact defense counsel re: Documents and discovery; Contact defense counsel re: Documents and discovery; Draft	3.00 200.00/hr	600.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
and strategize re: Discovery requests; Place telephone call to J. Keeban; Review documents for production		
11/14/04 Research and prepare discovery requests	2.00 200.00/hr	400.00
11/15/04 Review correspondence from T. Hogan and E. Porter re: Depositions; Followup with defense counsel re: Document discovery; Research and draft discovery requests	1.70 200.00/hr	340.00
11/16/04 Correspondence with defense counsel re: Discovery; Review documents for deposition preparation	3.00 200.00/hr	600.00
11/17/04 Work on discovery requests; Correspondence with defense counsel; Prepare for depositions; Review documents	2.80 200.00/hr	560.00
11/18/04 Correspondence with M. Dulac, B. Christensen and deponents; Review documents and prepare for depositions; Draft discovery requests	3.00 200.00/hr	600.00
11/19/04 Communicate with defense counsel; Review documents; Prepare for depositions; Meeting with B. Christensen	3.50 200.00/hr	700.00
11/20/04 Prepare for depositions; Review documents	2.80 200.00/hr	560.00
11/22/04 Place telephone call to L. Smith; Communicate with L. Smith re: Status; Review ex parte motion to file joinder; Review C&S' joinder;	3.50 200.00/hr	700.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
Review Plaintiff's opposition to ex parte motion; Place telephone call to L. Smith re: Order denying motion for reconsideration; Draft letter to clients re: Status; Followup re: Discovery; Review documents and prepare for depositions		
11/23/04 Work on discovery requests; Prepare for depositions	1.50 200.00/hr	300.00
11/24/04 Review documents; Prepare for depositions	2.50 200.00/hr	500.00
11/26/04 Review documents and prepare for depositions	2.50 200.00/hr	500.00
11/27/04 Prepare for depositions; Prepare discovery requests	2.50 200.00/hr	500.00
11/29/04 Communicate with B. Christensen, M. Dillon, A. Waiolama and J. Rio; Prepare discovery requests; Prepare for depositions; Review discovery responses and all emails	3.50 200.00/hr	700.00
11/30/04 Communicate with M. Dulac and B. Christensen re: Deposition; Prepare and attend meeting with B. Christensen, J. Rio and A. Waiolama re: Deposition preparation	4.00 200.00/hr	800.00
 SUBTOTAL:	 [ 83.20	 16,640.00]
 RM		
11/1/04 Review correspondence to and from T. Hogan re: Documents from Iowa Telecom; Review Judge Kobayashi's inclination to grant Foodland's motion for protective order;	6.90 125.00/hr	862.50



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	<u>Hrs/Rate</u>	<u>Amount</u>
Review Judge Mollway's order denying motion to continue, allow more time to file opposition; Review hearing transcript re: PI motion; Draft opposition to motion for reconsideration		
11/2/04 Review and redact telephone records; Prepare records for service on Plaintiff; Review minute order re: Telephone records; Draft transmittal letter to T. Hogan re: Records; Draft opposition to Motion for Reconsideration of PI; Review correspondence from S. Dunn re: Chronology of documents	6.60 125.00/hr	825.00
11/3/04 Research issue of sanctions for denial of reconsideration; Meet with L. Hosoda re: Hearing on Foodland's motion for protective order; Draft opposition to motion for reconsideration of denial of PI	6.20 125.00/hr	775.00
11/4/04 Review correspondence to and from L. Colombe re: Order granting protective order as to Foodland's documents; Draft opposition to Plaintiff's Motion for Reconsideration of order denying motion to continue Motions for Summary Judgment; Draft opposition to Motion for Reconsideration or order denying PI; Review order re: Continuance of hearing on Motion for Summary Judgment and new briefing deadlines; Forward copy of order to clients	4.50 125.00/hr	562.50



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	<u>Hrs/Rate</u>	<u>Amount</u>
11/5/04 Review CD of C&S system produced by client; Review correspondence to and from clients re: J. Kleban's association with C&S; Draft and revise opposition to motion for reconsideration of order denying PI; Shepardize cases cited in opposition; Prepare opposition for filing and service; Review correspondence from T. Hogan re: J. Kleban; Conference call with L. Smith re: Discovery of J. Kleban; Place telephone call to J. Morgan re: Copy of emails produced by T. Noa per Plaintiff's request	5.80 125.00/hr	725.00
11/8/04 Review correspondence from T. Noa re: Q. Brewer; Review from M. Dillon re: System CD; Review HEX position statement re: Plaintiff's appeal of privilege order; Review Plaintiff's appeal of privilege order; Review correspondence from D. Capozzola re: J. Kleban; Review correspondence from T. Hogan re: Privilege documents; Review correspondence from T. Hogan re: Agree to C. Matsui as discovery master; Review Fleming's discovery requests to Plaintiff	1.10 125.00/hr	137.50
11/9/04 Meet with L. Hosoda responding to T. Hogan's request for clients' availability for depositions	0.30 125.00/hr	37.50
11/10/04 Place telephone call to S. Dunn re: Privileged documents; Review two documents requested by Plaintiff that were designated as privileged; Meet with L. Hosoda to determine whether to turn over mislabeled documents to Plaintiff;	1.70 125.00/hr	212.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
Review privileged documents; Place telephone call to W. Ching requesting copies of T. Noa's email production; Review correspondence to and from clients re: Availability for depositions; Review correspondence to T. Hogan re: T. Noa will not be in Hawaii, available in Iowa on certain dates for depositions; Review correspondence to T. Hogan re: Availability of local clients for depositions; Conference call with B. Christensen re: J. Kleban; Review correspondence to counsel re: J. Kleban was consultant; Sent CD of C&S logistics system to E. Liebeler		
11/11/04 Review correspondence re: Deposition of J. Rio, B. Christensen and F. Waiolama; Review correspondence from M. Dillon re: Depositions of other employees; Revise privilege log and draft letter to T. Hogan re: Producing two documents claimed as privilege	0.80 125.00/hr	100.00
11/12/04 Review correspondence from T. Hogan re: Depositions of clients; Review correspondence from K. Fine re: Discovery requested by Plaintiff; Review correspondence from L. Smith re: Availability for depositions; Draft request for admissions; Review correspondence to L. Smith re: J. Kleban; Draft correspondence to J. Kleban re: Emails he is referenced in; Review	1.40 125.00/hr	175.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
correspondence from L. Smith re: Offer Kleban up for deposition, see if K&S can send someone to defend		
11/15/04 Draft discovery requests to Plaintiff; Review correspondence from T. Hogan re: Scheduling of depositions of B. Christensen, A. Waiolama and J. Rio	0.90 125.00/hr	112.50
11/16/04 Review correspondence to and from M. Dillon re: C&S current logistics system; Review correspondence to B. Christensen re: deposition preparation; Chronologize documents produced to Plaintiff per discovery requests; Review emails and documents produced in preparation for depositions of clients	2.60 125.00/hr	325.00
11/17/04 Place telephone call to S. Dunn re: Summary of documents produced; Review partial summary of documents; Review deposition of M. Dillon; Chronologized and summarized privileged documents	2.10 125.00/hr	262.50
11/18/04 Meet with C. Chun re: Review of documents produced in preparation for depositions of clients; Meet with L. Hosoda re: Deposition preparation of clients; Meeting with M. Dulac	0.20 125.00/hr	25.00
11/19/04 Review order requesting response from C&S on motion for reconsideration; Place telephone call to L. Smith re: Court order; Review pleadings file for Fleming's opposition; Review C&S ex parte motion for leave to file	2.30 125.00/hr	287.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
joinder to Fleming's opposition to Motion for reconsideration; Review Plaintiff's opposition to C&S' ex parte motion for leave to file joinder; Place telephone call to S. Dunn re: Documents; Review documents produced by Iowa Telecom for production to Plaintiff		
11/22/04 Review order denying Plaintiff's motion for reconsideration of order denying PI; Review correspondence to clients; Place telephone call to W. Ching re: Copy of emails produced by T. Noa; Review correspondence from M. Dillon; Place telephone call to L. Smith re: Order denying reconsideration motion; Review correspondence from M. Dulac; Review correspondence to A. Waiolama and J. Rio re: Deposition preparation; Review correspondence to B. Christensen re: Deposition preparation; Draft admissions to Plaintiff; Review previous discovery requests to Plaintiff; Draft additional document requests and interrogatories	2.30 125.00/hr	287.50
11/30/04 Place telephone call to S. Dunn re: Summary, binder, and index of emails produced in discovery; Review deposition preparation of clients; Meet with L. Hosoda re: Supplemental memo in support of Motion for Summary Judgment and deposition schedule of clients; Review draft of summary of email production	1.20 125.00/hr	150.00
SUBTOTAL:	[ 46.90	5,862.50]

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	<u>Hrs/Rate</u>	<u>Amount</u>
<u>SD</u>		
11/2/04 Preparation of documents; Input/summarize chron documents and identify key documents	7.50 85.00/hr	637.50
11/3/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.00 85.00/hr	255.00
11/4/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.00 85.00/hr	255.00
11/5/04 Preparation of documents; Input/summarize chron documents and identify key documents	2.00 85.00/hr	170.00
11/9/04 Preparation of documents; Input/summarize chron documents and identify key documents	8.00 85.00/hr	680.00
11/10/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.00 85.00/hr	255.00
11/11/04 Preparation of documents; Input/summarize chron documents and identify key documents	5.00 85.00/hr	425.00
11/12/04 Preparation of documents; Input/summarize chron documents and identify key documents	6.00 85.00/hr	510.00
11/15/04 Preparation of documents; Input/summarize chron documents and identify key documents	5.00 85.00/hr	425.00
11/16/04 Preparation of documents; Input/summarize chron documents and identify key documents	7.50 85.00/hr	637.50

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	<u>Hrs/Rate</u>	<u>Amount</u>
11/17/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.50 85.00/hr	297.50
11/18/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.50 85.00/hr	297.50
11/19/04 Preparation of documents; Input/summarize chron documents and identify key documents	2.50 85.00/hr	212.50
11/22/04 Preparation of documents; Input/summarize chron documents and identify key documents	8.00 85.00/hr	680.00
11/23/04 Preparation of documents; Input/summarize chron documents and identify key documents	3.00 85.00/hr	255.00
11/24/04 Preparation of documents; Input/summarize chron documents and identify key documents	5.50 85.00/hr	467.50
11/25/04 Preparation of documents; Input/summarize chron documents and identify key documents	6.00 85.00/hr	510.00
11/26/04 Preparation of documents; Input/summarize chron documents and identify key documents	5.00 85.00/hr	425.00
11/29/04 Preparation of documents; Input/summarize chron documents and identify key documents	8.00 85.00/hr	680.00
11/30/04 Preparation of documents; Input/summarize chron documents and identify key documents	4.00 85.00/hr	340.00
 SUBTOTAL:	 [ 99.00	 8,415.00]



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	<u>Hours</u>	<u>Amount</u>
For professional services rendered	256.50	\$34,342.50
Additional charges:		
<u>LHO</u>		
10/27/04 Fax		7.00
Postage		8.30
Xerox		33.60
10/28/04 Xerox		108.40
Xerox		4.80
Postage		5.40
Xerox		9.60
10/29/04 Postage		18.14
Xerox		90.60
Postage		0.37
Xerox		132.00
11/1/04 Postage		3.33
Xerox		10.20
11/2/04 Fax		2.00
Xerox		18.60
Postage		3.33
Xerox		2.20



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	<u>Amount</u>
11/4/04 Postage	3.33
Xerox	3.40
11/5/04 Fax	18.00
Postage	3.33
Xerox	5.20
Postage	27.65
Xerox	480.20
11/9/04 Postage	38.09
Xerox	80.00
11/10/04 Postage	3.70
Xerox	3.20
Postage	3.33
Xerox	1.60
11/12/04 Xerox	3.60
11/18/04 Postage	22.65
Xerox	111.20
11/22/04 Fax	9.00
Postage	7.47
Xerox	20.20
Xerox	1.80

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	<u>Amount</u>
11/22/04 New Tech Imaging	147.00
Express One - Hawaii	13.93
11/23/04 Fax	9.00
Xerox	47.80
11/24/04 Xerox	19.40
12/2/04 Xerox	12.20
 SUBTOTAL:	 <u>[ 1,554.15]</u>
 Total costs	 \$1,554.15
Service tax	\$1,430.71
Total amount of this bill	<u>\$37,327.36</u>
Previous balance	\$71,245.33
Balance due	<u><u>\$108,572.69</u></u>